



Growth Management Act Amendments 1995-2004

The Growth Management Act (GMA) in Washington has been amended numerous times since its original adoption in 1990. To help local governments in evaluating whether their adopted plans and development regulations “are complying with” the GMA, Growth Management Services at the Department of Community, Trade, and Economic Development has developed the following list of recent amendments. This list summarizes amendments made by the Legislature, between 1995 and 2004, to Chapter 36.70A and 36.70B of the Revised Code of Washington. The chapter is commonly known as the Growth Management Act (GMA).

Each amendment is listed below, by code number and title, according to the year of adoption, and includes a brief description.

Please note: This list has been prepared as a technical assistance tool to assist local governments in their update process under RCW 36.70A.130(1) and is not intended to provide a definitive explanation or interpretation of GMA amendments. While other related statutes also help implement the GMA, amendments to them are not included in this document.

2004

RCW 36.70A—Military installations

ESSB 6401: PROTECTING MILITARY INSTALLATIONS FROM ENCROACHMENT OF INCOMPATIBLE LAND USES

- Legislative findings recognize the importance of the United States military as a vital component of the Washington State economy, and it is identified as a priority of the state to protect the land surrounding our military installations from incompatible development.
- Comprehensive plans, development regulations, and amendments to either should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements.
- A consultation procedure is established whereby counties and cities must notify base commanders during the process of adopting or amending comprehensive plans or development regulations that will affect lands adjacent to the installations.

RCW 36.70A .070—Rural development

ESHB 2905: MODIFYING PROVISIONS FOR TYPE 1 LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT

- Any development or redevelopment within one category of existing "limited areas of more intensive rural development" (LAMIRDs) must be principally designed to serve the existing and projected rural population.
- Building size, scale, use, or intensity of the LAMIRD development or redevelopment must be consistent with the character of the existing areas.
- Development or redevelopment may include changes in use from vacant land or a previously existing use if the new development conforms to certain requirements.

Growth Management Act Amendments 1995-2004

RCW 36.70A.106—Development regulations

SHB 2781: CHANGING PROVISIONS RELATING TO EXPEDITED STATE AGENCY REVIEW OF DEVELOPMENT REGULATIONS

- Proposed changes to development regulations by jurisdictions that plan under the Growth Management Act (GMA) can receive expedited review by the Department of Community, Trade, and Economic Development and be adopted immediately thereafter, if timely comments regarding GMA compliance or other matters of state interest can be provided.

RCW 36.70A.110—National historic reserves

SSB 6367: PROTECTING THE INTEGRITY OF NATIONAL HISTORICAL RESERVES IN THE URBAN GROWTH AREA PLANNING PROCESS

- The existing requirement that cities and counties must include areas and densities sufficient to permit the urban growth projected for the succeeding 20-year period does not apply to those urban growth areas contained totally within a national historical reserve.
- When an urban growth area is contained totally within a national historical reserve, a city may restrict densities, intensities, and forms of urban growth as it determines necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve.

RCW 36.70A.177—Agricultural land use

SB 6237: PROVIDING NONAGRICULTURAL COMMERCIAL AND RETAIL USES THAT SUPPORT AND SUSTAIN AGRICULTURAL OPERATIONS ON DESIGNATED AGRICULTURAL LANDS OF LONG-TERM SIGNIFICANCE

- Agricultural zoning can allow accessory uses that support, promote, or sustain agricultural operations and production, including compatible commercial and retail uses that involve agriculture or agricultural products or provide supplemental farm income.

RCW 36.70A.367—Industrial land banks

SSB 6534: DESIGNATING PROCESSES AND SITING OF INDUSTRIAL LAND BANKS

- The requirements for including master planned locations within industrial land banks and for siting specific development projects are separated so that designation of master planned locations may occur during the comprehensive planning process before a specific development project has been proposed.
- Some of the current criteria for designating a master planned location within an industrial land bank may be delayed until the process for siting specific development projects within a land bank occurs.
- Designating master planned locations within an industrial land bank is considered an adopted amendment to a comprehensive plan, and approval of a specific development project does not require any further amendment to a comprehensive plan.

RCW 36.70B.080—Growth management timelines

HB 2811: MODIFYING LOCAL GOVERNMENT PERMIT PROCESSING PROVISIONS

- Existing requirements for timely and predictable procedures for processing permit applications by local governments are clarified.
- For the "buildable lands" jurisdictions, performance reporting requirements are reinstated and changed to an annual basis. A report on the projected costs of this reporting with recommendations for state funding must be provided to the Governor and the Legislature by January 1, 2005.

Growth Management Act Amendments 1995-2004

RCW 36.70—Manufactured housing

SB 6476: DESIGNATING MANUFACTURED HOUSING COMMUNITIES AS NONCONFORMING USES

- Elimination of existing manufactured housing communities on the basis of their status as a nonconforming use is prohibited.

SSCR 8418: CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE PERMITTING PROCESSES

- A joint select legislative task force is established to make recommendations regarding permitting processes by January 1, 2006, after evaluating local development regulations of selected jurisdictions among the "buildable lands" counties and their cities over 50,000.
- The task force is composed of the chairs and ranking minority members of the Senate Committee on Land Use and Planning and the House Local Government Committee. The Governor will be invited to participate and form a "Five Corners Task Force."
- An advisory committee is also established to assist the task force and is composed of the Department of Community, Trade, and Economic Development, the Department of Ecology, the Office of Regulatory Assistance, a county, a city, the business community, the environmental community, agriculture, labor, the property rights community, the construction industry, ports, and federally recognized Indian tribes.

2003

RCW 36.70A (SSB 5602) Growth management planning

CONCERNING THE ACCOMMODATION OF HOUSING AND EMPLOYMENT GROWTH UNDER LOCAL COMPREHENSIVE PLANS

- A new section is added to the Growth Management Act (GMA) requiring counties and cities subject to the GMA to ensure that, taken collectively, actions to adopt or amend their comprehensive plans or development regulations provide sufficient capacity of land suitable for development within their jurisdictions.
- The requirement for sufficient capacity refers to accommodating a jurisdiction's allocated housing and employment growth as adopted in the applicable countywide planning policies and consistent with the 20-year population forecast from the Office of Financial Management.

RCW 36.70A.070 (SSB 5786) Rural development

CLARIFYING THE SCOPE OF INDUSTRIAL USES ALLOWED IN RURAL AREAS UNDER GMA

- Industrial "uses" are permitted under the Growth Management Act in both industrial and mixed-use areas in certain types of Limited Areas of More Intensive Rural Development (LAMIRDs).
- Industrial uses within specified LAMIRDs are not required to be principally designed to serve the existing and projected rural population in order to be lawfully zoned.

RCW 36.70A.110 (SHB 1755) Annexation

CREATING ALTERNATIVE MEANS FOR ANNEXATION OF UNINCORPORATED ISLANDS OF TERRITORY

- Creates an alternative method of annexation allowing jurisdictions subject to the "buildable lands" review and evaluation program of the Growth Management Act (GMA) to enter into interlocal agreements to annex qualifying territory meeting specific contiguity requirements.
- Creates an alternative method of annexation allowing counties subject to the "buildable lands" review and evaluation program of the GMA to enter into interlocal agreements with multiple municipalities to conduct annexation elections for qualifying territory contiguous to more than one city or town.

RCW 36.70A.280 (SB 5507) Growth management boards

CLARIFYING WHO HAS STANDING REGARDING GROWTH MANAGEMENT HEARINGS BOARD HEARINGS

Growth Management Act Amendments 1995-2004

- The requirement under the Growth Management Act for "participation" standing before a Growth Management Hearings Board is that a petitioner must have participated orally or in writing before the local government.
- An additional requirement to obtain "participation" standing is added and provides that only issues "reasonably related" to issues that the aggrieved person previously raised at the local level can be considered by the Board.

RCW 36.70A.367 (SB 5651) Land banks

AUTHORIZING LAND BANKS IN CERTAIN COUNTIES WITH LOW POPULATION DENSITIES

- The industrial land bank program under the Growth Management Act is amended to provide that counties meeting certain geographic requirements are eligible for the program based on population density criteria, rather than unemployment criteria.
- Clarifies that Jefferson and Clallam counties are eligible for the program under this provision.

RCW 36.70A.450 (HB 1170) Day-care facilities

LIMITING RESTRICTIONS ON RESIDENTIAL DAY-CARE FACILITIES

- A county cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone.
- The county can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone.

RCW 36.70A.480 (ESHB 1933) Shoreline and growth management

INTEGRATING SHORELINE MANAGEMENT ACT AND GROWTH MANAGEMENT ACT PROVISIONS

- The goals of the growth management act, including the goals and policies of the shoreline management act set forth, continue to be listed without priority.
- Shorelines of statewide significance may include critical areas as designated by the GMA, but shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.
- Within shoreline jurisdiction, critical areas will be protected by the Shoreline Master Program and regulations will be reviewed for compliance with the Shoreline Management Act. However, SMP regulations must provide a level of protection of critical areas at least equal to that provided by the county or city's adopted or thereafter amended critical areas ordinances.

RCW 90.58.080 (SSB 6012) Codifying Shoreline Rules

- The Department of Ecology (DOE) may adopt amendments to the shorelines guidelines no more than once per year and the amendments must be related to technical, procedural, or compliance issues. * ESHB 1769 was incorporated in its entirety into SSB 6012
- A staggered statutory schedule for the update of shoreline master programs, running from 2005 to 2014 and every seven years after the initial deadline, is established.
- Limits on grants from DOE to local governments for master program reviews are removed and new requirements for the receipt of such grants are created.

Growth Management Act Amendments 1995-2004

2002

RCW 36.70A.011 Findings—Rural lands

Added a new section containing legislative finds to support the amendment to the rural element requirements in RCW 36.70A.070.

RCW 36.70A.020 Planning goals

Amended the economic development goal to add the underlined words:

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

Amended the open space goal to simplify the language and add a reference to recreational facilities. It formerly read as follows:

Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

It now read as follows:

Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

RCW 36.70A.070 Comprehensive plans—Mandatory elements

Amended the requirements for the rural element of comprehensive plans to (1) authorize limited expansion of small-scale businesses in the rural area, and (2) authorize new businesses in the rural area to use sites previously occupied by rural businesses.

Amended the housing element to require the inventory of housing needs to include the number of housing units necessary to manage projected population growth.

Amended the capital facilities element to require the inclusion of parks and recreation facilities.

Required comprehensive plans to include an economic development element and a parks and recreation facilities element, if money to implement these requirements is appropriated by the Legislature.

RCW 36.70A.103 State agencies required to comply with comprehensive plans

Amended to cross-reference new provisions for siting secure community transition facilities for sex offenders.

RCW 36.70A.130 Comprehensive Plans—Review Amendments

Amended the deadlines for reviewing and updating comprehensive plans and development regulations adopted under the GMA and clarified the requirements relating to the reviews and updates.

RCW 36.70A.200 Siting of essential public facilities—Limitation on liability

Clarified that the deadline for adopting a process for siting secure community transition facilities for sex offenders must be adopted by September 1, 2002, even though deadlines for GMA reviews and updates were changed in amendments to RCW 36.70A.130.

Exempted noncompliance with September 1, 2002, deadline from challenge before the Growth Management Hearings Boards and from economic sanctions under the GMA's enforcement provisions.

Growth Management Act Amendments 1995-2004

RCW 36.70A.367 Major industrial developments—Master planned locations

Established a pilot program authorizing the designation of industrial land banks outside urban growth areas if specified requirements are satisfied.

2001

RCW 36.70A.103 State agencies required to comply with comprehensive plans

Authorized DSHS to site and operate a Special Commitment Center and a secure community transition facility to house persons conditionally released to a less restrictive alternative on McNeil Island. The state's authority to site an essential public facility under RCW 36.70A.200, in conformance with comprehensive plans and development regulations, is not affected, and with the exception of these two facilities, state agencies must comply with those plans and regulations.

RCW 36.70A.200 Siting of essential public facilities

Added "secure community transition facilities" (as defined in RCW 71.09.020) to the list of essential public facilities typically difficult to site. Each city and county planning under RCW 36.70A.040 is required to establish a process, or amend its existing process, for identifying and siting essential public facilities, and to adopt and amend its development regulations as necessary to provide for the siting of secure community transition facilities. Local governments are required to complete this no later than the deadline set in RCW 36.70A.130. Any city or county not planning under RCW 36.70A.040 is required to establish a process for siting secure community transition facilities and amend or adopt development regulations necessary to provide the siting of these facilities.

RCW 36.70A.367 Major industrial developments – Master planned locations

Extended deadline for counties eligible to use the industrial land bank authority. Currently, Grant County and Lewis County satisfy all three criteria. Until December 2002 eligible counties may establish a process for designating a bank of no more than two master planned locations for major industrial activity outside a UGA. Eligible counties must meet statutory criteria initially specified for the authority terminating on December 1999.

RCW 36.70B.080

2000

RCW 36.70A.520

Allows counties planning under RCW 36.70A.040 to authorize and designate national historic towns that may constitute urban growth outside UGAs, if specified conditions are satisfied. A GMA county may allocate a portion of its 20-year population projection to the national historic town to correspond to the projected number of permanent town residents.

RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans

Added language stating that for the purposes of being required to conform to the requirements of the GMA, no county is required to include in its population count those persons confined in a correctional facility under the jurisdiction of the state Department of Corrections that is located in the county.

Growth Management Act Amendments 1995-2004

1999

RCW 36.70A.035 Public participation – Notice provisions

Added “school districts” to list of entities and affected individuals to be provided with notice of comprehensive plan/development regulation amendment.

1998

RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans

Added the requirement for cities or counties to amend the transportation element to be in compliance with Chapter 47.80 RCW no later than December 31, 2000.

RCW 36.70A.060 Natural resource lands and critical areas – Development regulations

The requirement for notice on plats and permits issued for development activities near designated resource lands expanded to activities within 500 feet, instead of 300 feet, of the resource lands. The notice for mineral lands is required to include information that an application might be made for mining-relating activities. (From the Land Use Study Commission recommendations bill.)

RCW 36.70A.070 Comprehensive plans – Mandatory elements

Required cities or counties to include level of service standards for state highways in local comprehensive plans, in order to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county’s or city’s six-year street, road, or transit program and the Washington State Department of Transportation’s (WSDOT) six-year investment program. Inventories of transportation are required to include state-owned transportation facilities.

RCW 36.70A.131 Mineral resource lands – Review of related designations and development regulations

Added a new section to the GMA. A county or city is required to take into consideration new information available since the adoption of its designations/development regulations, including new or modified model development regulations for mineral resource lands prepared by the Washington Department of Natural Resources (DNR), CTED, or the Washington Association of Counties.

RCW 36.70A.200 Siting of essential public facilities

Added state or regional facilities and services of state-wide significance as defined in subsection (7) of HB 1487 (definition located in Chapter 47.06 RCW per this amendment). Includes among others, are high speed rail, inter-city high speed ground transportation, the Columbia/Snake navigable river system, etc.

RCW 36.70A.210 County-wide planning policies

Added “transportation facilities of state-wide significance” to the minimums that county-wide planning policies shall address.

RCW 36.70A.360 Master planned resorts

Master planned resorts expressly authorized to use capital facilities, utilities, and services (including sewer, water, stormwater, security, fire suppression, and emergency medical) from outside service providers. Any capital facilities, utilities, and services provided on-site are limited to those meeting the needs of master planned

Growth Management Act Amendments 1995-2004

resorts. Master planned resorts are required to bear the full costs related to service extensions and capacity increases directly attributable to the resorts.

RCW 36.70A.367 Major industrial developments

Authorized additional counties (Lewis, Grant, and Clallam) to establish industrial land banks for two master planned locations by December 31, 1999. Extended sunset date for Clark and Whatcom counties to December 31, 1999.

RCW 36.70A.395 Environmental planning pilot projects

Technical corrections to eliminate references concerning reports to the Legislature that are no longer necessary or have expired.

RCW 36.70A.460 Watershed restoration projects – Permit processing – Fish habitat enhancement project

A fish habitat enhancement project meeting the criteria of this law not subject to local government permits, inspections, or fees. Such projects, when approved and a hydraulic permit has been issued, are not required to complete a substantial development permit under the SMA. Fish habitat enhancement projects that meet the criteria of this act are considered to be consistent with local shoreline master programs.

1997

RCW 36.70A.030 Definitions

- Definition of “urban growth” was amended to expand listed incompatible primary uses of land to include the following: rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. Additionally, the following was added: A pattern of more intense rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth.
- The following terms “rural character,” “rural development,” and “rural governmental services” are defined.
- The following: or “urban services” is added to the definition of “urban governmental services.” (ESB 6094 amendments.)

RCW 36.70A.035 Public participation – Notice provisions

- Added the requirement for GMA counties and cities to adopt procedures for notifying property owners and other affected or interested parties of proposed amendments to comprehensive plans and development regulations. The procedures generally follow the notice requirements currently in the State Environmental Policy Act (SEPA). (ESB 6094 amendments.)
- Added the requirement that a county or city considering an amendment to a comprehensive plan or a development regulation needs to allow for public comment on the proposed change before adoption. (ESB 6094 amendments.)

RCW 36.70A.070 Comprehensive plans – Mandatory elements

Provisions that shall apply to the rural element are specified. (ESB 6094 amendments.)

Growth Management Act Amendments 1995-2004

RCW 36.70A.110 Comprehensive plans – Urban growth areas

Deleted the following text from subsection (2): “urban growth areas” and added “and each city within the county” to the following: based on OFM projections, “...the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected...” (ESB 6094 amendments.)

RCW 36.70A.130 Comprehensive plans – Review – Amendments

- Added 2002 review requirement language to the GMA: No later than September 1, 2002, and at least every five years thereafter, a county or city shall take action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure that the plan and regulations are complying with the requirements of this chapter. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. (ESB 6094 amendments.)
- Changed to allow for the amendment of the capital facilities element of the comprehensive plan if it occurs concurrent with the adoption/amendment of a county/city budget.

RCW 36.70A.165 Property designated as greenbelt or open space – Not subject to adverse possession

Added a new section to the GMA. Adverse possession is prohibited on property designated as open space to a public agency or homeowner’s association. (ESB 6094 amendments.)

RCW 36.70A.177 Agricultural lands – Innovative zoning techniques

Added a new section to the GMA. It allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. (ESB 6094 amendments.)

RCW 36.70A.215 Review and evaluation program

Created the Buildable Lands Program. Six Western Washington counties and the cities located within their boundaries are to establish a monitoring and evaluation program to determine if the actual growth and development is consistent with what was planned for in the county-wide planning policies and comprehensive plans. Measures, other than expanding UGAs, must be taken to correct any inconsistencies. (ESB 6094 amendments.)

RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation

Amended subsection (7). It amends the boards’ procedures for distribution of rules and decisions to follow the Administrative Procedures Act, Chapter 34.05 RCW, specifically including the provisions of RCW 34.05.455 governing ex parte communications. (ESB 6094 amendments.)

RCW 36.70A.290 Petitions to the growth management hearings boards – Evidence

Amended this section as follows: The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order. (ESB 6094 amendments.)

RCW 36.70A.295 Direct judicial review

Added a new section to the GMA. The superior court is allowed to directly review a petition for review, if all parties to a case before a board agreed to direct review in the superior court. (ESB 6094 amendments.)

RCW 36.70A.300 Final orders

Growth Management Act Amendments 1995-2004

Changed to allow the board to extend the time for issuing a decision beyond the 180-day period currently provided by the GMA to allow settlement negotiations to proceed if the parties agree to the extension. The boards may: (1) allow up to 90-day extensions that may be renewed; (2) establish a compliance schedule that goes beyond 180 days for a plan or development regulation that does not comply with the GMA if the complexity of the case justifies it; and (3) require periodic updates on progress towards compliance as part of the compliance order. (ESB 6094 amendments.)

RCW 36.70A.302 Determination of invalidity – Vesting of development permits – Interim controls

Clarified which permits invalidity orders apply to. (ESB 6094 amendments.)

RCW 36.70A.320 Presumption of validity – Burden of proof – plans and regulations

Burden shifted to the petitioner to demonstrate that any action by a respondent is not in compliance with the requirements of the GMA. The board is required to find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of the GMA. (ESB 6094 amendments.)

RCW 36.70A.3201 Intent – Finding – 1997 c 429~20(3)

Added a new section to the GMA. Local comprehensive plans and development regulations require counties and cities to balance priorities and consider local circumstances. The ultimate responsibility for planning and implementing a county's or city's future rests with that community. The boards are to apply a more deferential standard of review to actions of counties and cities than the previous "preponderance of the evidence" standard. (ESB 6094 amendments.)

RCW 36.70A.330 Noncompliance

Changed to enable board to modify a compliance order and allow additional time for compliance in appropriate circumstances. The board is directed to take into account a county's or city's progress toward compliance in making its decision as to whether to recommend the imposition of sanctions by the Governor. (ESB 6094 amendments.)

RCW 36.70A.335 Order of invalidity issued before July 27, 1997

Added a new section to the GMA. A county or city subject to an order of invalidity issued prior to the effective date of the act may request the board to review its order in light of the changes to the invalidity provisions. If requested, the board is required to rescind or modify an order to make it consistent with the act's changes. (ESB 6094 amendments.)

RCW 36.70A.362 Master planned resorts – Existing resort may be included

Added a new section to the GMA. Counties planning under the GMA may include some existing resorts as master planned resorts under a GMA provision that allows counties to permit master planned resorts as urban growth outside of UGAs. An "existing resort" is defined as a resort that was in existence on July 1, 1990, and developed as a significantly self-contained and integrated development that includes various types of accommodations and facilities.

RCW 36.70A.367 Major industrial developments – Master planned locations

Authorized an additional county (Whatcom), in consultation with its cities, to establish a process for designating land to be in an industrial land bank, according to certain conditions.

Growth Management Act Amendments 1995-2004

RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants – Procedures

The Department of Community, Trade, and Economic Development (CTED) is directed to encourage participation in the grant program by other public agencies through the provision of grant funds. CTED is required to develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program. Grants from the planning and environmental review fund are to be provided for proposals designed to improve the project review process and which encourage the use of GMA plans to meet the requirements of other state programs. (ESB 6094 amendments.)

1996

RCW 36.70A.070 Comprehensive plans – Mandatory elements

Added “general aviation airports” to subsection (6)(i) relating to required sub-elements of a transportation element as defined by this section.

RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation

Boards are required to publish their decisions and arrange for reasonable distribution of them. The Administrative Procedures Act (APA) is to be used for the boards’ procedures, unless it conflicts with RCW 36.70A. The APA also is to be used to determine whether a board member or hearing examiner will be disqualified.

RCW 36.70A.280 Matters subject to board review

Clarified who may file petitions with the boards (i.e., standing).

RCW 36.70A.305 Expedited review

New section added from SSB 6637. Courts are to expedite reviews on invalidity determinations made by the boards. Hearings on the issues are to be scheduled within 60 days of the date set for submitting the board’s record.

RCW 36.70A.367 Major industrial developments – Master planned locations

The GMA was amended to allow a pilot project to designate an urban industrial bank outside UGAs. A county is allowed to establish the pilot project if it has a population of more than 250,000 and if it is part of a metropolitan area that includes a city in another state with a population of more than 250,000 (Clark County). The urban industrial land banks are to consist of no more than two master planned locations. Priority is to be given to locations that are adjacent to or in close proximity to a UGA. The same criteria are to be met that are required under the existing major industrial development process in the GMA, except that specific businesses to locate on the site(s) need not be identified ahead of the designation. The pilot project terminates on December 31, 1998.

RCW 36.70A.510 General aviation airports.

General aviation airports were added to the list of items that all local governments must include in the land use elements of their comprehensive plans. General aviation airports include all airports in the state (i.e., public use facilities). There are currently a total of 129 airports that are classified as “general aviation.” Adoption and amendment of comprehensive plan provisions and development regulations under this chapter affecting general aviation airports are subject to RCW 36.70.547.

Growth Management Act Amendments 1995-2004

1995

RCW 36.70A.030 Definitions

A definition of “wetlands” added to the Shoreline Management Act (SMA) that is identical to the definition under the Growth Management Act (GMA). Excluded from the wetlands definitions under both acts are wetlands created after July 1, 1990, that were unintentionally created as the result of road construction.

RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans

Changed the percentage of population increase required to trigger planning under the GMA from 10 percent to 17 percent for a ten-year period for counties with a population of 50,000 or more.

RCW 36.70A.070 Comprehensive Plans – Mandatory elements

- Added the following underlined text in subsection (5): The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate rural uses not characterized by urban growth.
- Changed the word “recognizing” to “ensuring” for what the housing element must do as noted in the act “...ensuring the vitality and character of established residential neighborhoods.” Added “mandatory provisions” and “single-family residences” to the following: “...include a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences.”

RCW 36.70A.110 Comprehensive Plans – Urban growth areas

Changed to allow counties to designate urban growth areas (UGAs) outside of cities. A UGA determination may include a reasonable land market supply factor and shall permit a range of urban densities. The term “in general” was added to the GMA statement that indicates urban services are to be provided by cities.

RCW 36.70A.130 Comprehensive Plans – Review

- Added language that directs cities and counties to broadly disseminate to the public, a public participation program.
- Added the provision that amendments may be considered more than once a year under the following circumstances: (1) emergency compliance with a growth management hearings board order, (2) the initial adoption of a subarea plan, and (3) the adoption or amendment of a Shoreline Master Program according to chapter 90.58 RCW.
- Added the requirement of public participation to the emergency amendment process already permitted by the GMA and added resolution of a growth management hearings board (board) or court order as an amendment permitted outside of the comprehensive plan amendment cycle. (ESHB 1724 amendments.)

RCW 36.70A.140 Comprehensive Plans – Ensure public participation

- Added the requirement of a public participation program that identifies procedures. Local governments must also provide public participation that is effective when responding to a board order of invalidity. (ESHB 1724 amendments.)

Growth Management Act Amendments 1995-2004

RCW 36.70A.172 Critical areas – Designation and protection – Best available science to be used

New section added to the GMA that clarified the state's goals and policies for protecting critical areas functions and values. Local governments are required to include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas as defined in the GMA and must give special consideration to preserving or enhancing anadromous fisheries. (ESHB 1724 amendments.)

RCW 36.70A.175 Wetlands to be delineated in accordance with manual

Washington Department of Ecology (Ecology) directed to adopt by a rule a manual for the delineation of wetlands regulated under the SMA and GMA. The manual is based on the 1987 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency manual as amended through January 1, 1995.

RCW 36.70A.280 Matters subject to board review

Added shoreline master programs or amendments adopted under chapter 90.58 RCW, as subjects for board review. (ESHB 1724 amendments.)

RCW 36.70A.290 Petitions to growth management hearings boards – Evidence

Established the publication date for a shoreline master program or amendment to be the date when the shoreline master program or amendment is approved/disapproved by Ecology.

RCW 36.70A.300 Final orders

- Added shoreline master program and amendments to final order procedures.
- Determined that a finding of non-compliance will not affect the validity of comprehensive plans/development regulations. Indicated the parameters of an invalidity determination by the boards, including vesting issues.

RCW 36.70A.320 Presumption of validity

Added that the shoreline element of a comprehensive plan and applicable development regulations adopted by a city or county are governed by Chapter 90.58 RCW and not presumed valid upon adoption in the same manner as comprehensive plan/development regulations in general. (ESHB 1724 amendments.)

RCW 36.70A.330 Noncompliance

- Added invalidity text. The board is allowed to reconsider its final order and decide: (a) if a determination of invalidity has been made whether to rescind or modify its determination as provided by RCW 36.70A.300(2), or (b) if no invalidity determination has been made whether to issue a determination as provided by RCW 36.70A.300(2).
- Added language that a person with standing may participate in a hearing of compliance/noncompliance (ESHB 1724 amendments.)

RCW 36.70A.365 Major industrial developments

Counties planning under the GMA allowed to establish, in consultation with cities, a process for authorizing the siting of major industrial developments outside UGAs. Such a development may be approved if certain criteria are met.

Growth Management Act Amendments 1995-2004

RCW 36.70A.385 Environmental planning pilot projects

Changed references from the “Department of Community Development” to “department.”

RCW 36.70A.450 Family day-care provider’s home facility – City may not prohibit in residential or commercial area

Changed the agency responsible for certifying that a family day-care provider’s facility provides a safe passenger loading area, from the Washington State Department of Licensing to the Office of Child Care Policy of the state, Department of Social and Health Services.

RCW 36.70A.460 Watershed restoration projects – Permit processing – Fish habitat enhancement project

Directed the Washington Conservation Commission to develop a single application process by which all permits for watershed restoration projects may be obtained by a sponsoring agency for its project, to be completed by January 1, 1996. Each agency is required to name an office or official as a designated recipient of project applications and inform the commission of the designation. All agencies of state and local government are required to accept the single application developed by the commission.

RCW 36.70A.470 Project review – Amendment suggestion procedure – Definitions

Added a new section to the GMA that integrated project and environmental review to be conducted under the newly created provisions of Chapter 36.70B RCW.

RCW 36.70A.480 Shorelines of the state

Added a new section to the GMA, which states that: (1) the goals and policies of the SMA become one of the goals of the GMA under 36.70A.020, and (2) the goals and policies of a Shoreline Master Program for a county/city are required to become an element of the jurisdiction’s comprehensive plan. All other portions of the Shoreline Master Program including regulations are required to become part of the county’s or city’s development regulations. Additionally, Shoreline Master Programs are to continue to be amended/adopted under the procedures of the SMA (Chapter 90.58 RCW).

RCW 36.70A.481 Construction – Chapter 347, Laws of 1995

Added the above new section to the GMA, which states that nothing in RCW 36.70A.480 (shorelines of the state) shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of Chapter 90.58 RCW. (ESHB 1724 amendments.)

RCW 36.70A.490 Growth management planning and environmental review fund – Established

Added the above new section to the GMA. Moneys in the fund are required to be used to make grants to local governments for the purposes set forth in RCW 43.21C.031. (ESHB 1724 amendments.)

RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants - Procedures

Added the above new section to the GMA. Established procedures for dispersing funds. (ESHB 1724 amendments.)

Chapter 36.70B RCW

Regulatory reform bill to streamline permitting procedures in the state. (ESHB 1724 amendments.)